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OCT 25 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant:	)	Art Unit: 2188
	)	
Serial No.: 10/764,946	)	Examiner: Doan
	)	
Filed: January 26, 2004	)	HSJ920030237US1
	)	
For: SYSTEM AND METHOD FOR SELECTING	)	October 25, 2006
COMMAND FOR EXECUTION IN HDD BASED	)	750 B STREET, Suite 3120
ON BENEFIT	)	San Diego, CA 92101
	)	

**REPLY BRIEF**

Commissioner of Patents and Trademarks

Dear Sir:

This Reply Brief responds to the Examiner's Answer dated October 19, 2006, which appears to be substantially identical to the Answer dated September 14, 2006, to which a Reply Brief has already been filed. Nevertheless, in the interest of a complete record Appellant will offer this second Reply Brief to the second Examiner's Answer.

The Answer correctly notes that Clegg et al. discusses the advantages of writing sequential data records into a disk cylinder before moving to another cylinder and addressing read requests by linearly increasing block number, but continues to stumble into the *non-sequitur* that this means that Clegg et al. must not only calculate but also "use" a pipe length to calculate a throughput benefit. The sequential data records that Clegg et al. teaches can be short, or long, or somewhere in between for all Clegg et al. cares. The point of Clegg et al. is that the records are sequential totally independent of their combined length. "Proximity" (Clegg et al.) does not equal "length" (Claim 1).


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The examiner and now the conferees continue to refer to the present specification, which is not part of the prior art and which in any case does nothing for the examiner's case. That Appellant has taught that a "pipe" might be a string of sequential commands does not transform "proximity" into "length", much less does it confer upon Clegg et al. a realization (never made by Clegg et al.) to calculate a benefit based on pipe length as recited in Claim 1. Without those transformations the rejections merit reversal.

Respectfully submitted,

  
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